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(erroneously sued as "TIMBERWORK OREGON, INC."),

and EARL BLONDHEIM

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MATSUNOKI GROUP, INC. dba HAIKU
HOUSES,

Plaintiff,

v.

TIMBERWORK OREGON, INC.;
TIMBERWORK, INC.; JOAN L. SHUELL;
EARL MAURY BLONDHEIM; DON
PAUL; ILENE ENGLISH-PAUL; and
DOES 1 through 10, inclusive,

Defendants.

CASE NO. CV 08 4078 CW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
AND TRIAL DATES**

Action Filed: 8/25/08

Trial Date: 5/3/10

Plaintiff MATSUNOKI GROUP, INC. dba HAIKU HOUSES (hereinafter
"Plaintiff") and Defendants TIMBERWORK, INC., (formerly known as and erroneously
sued as "TIMBERWORK OREGON, INC."), EARL M. BLONDHEIM, DON PAUL and
ILENE ENGLISH-PAUL (hereinafter collectively "Defendants"; Plaintiff and
Defendants are hereinafter collectively referred to as "the Parties"), by and through their
respective counsel, agree and stipulate as follows:

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RECITALS

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2 1. The Court, pursuant to its minute order and case management order dated
3 December 10, 2008, ordered the Parties to complete mediation by March 13, 2009, or as
4 soon thereafter as was convenient to the mediator's schedule. The Court appointed
5 Mark LeHocky to act as mediator, and the Parties and Mr. LeHocky initially scheduled
6 mediation to take place on March 25, 2009 in San Francisco, California.

7 2. Thereafter, due to discovery issues and a pending protective order, the Parties
8 stipulated to continuing the mediation until May 29, 2009, or as soon thereafter as the
9 schedules of the Parties, their respective counsel and Mr. LeHocky would allow.
10 Mr. LeHocky concurred in this stipulation. The parties filed the stipulation and an
11 accompanying proposed order with the Court, which the Court signed. The Parties
12 scheduled mediation to take place on June 1, 2009.

13 3. Thereafter, Timberwork, Inc., noticed the depositions of Plaintiff's Person
14 Most Qualified pursuant to Federal Rules of Civil Procedure, Rule 30(b)(6), to take place
15 on April 14, 2009. Plaintiff was not available for deposition until June 3, 2009. As a
16 result, the Parties stipulated that the mediation scheduled for June 1, 2009 be continued,
17 and that the Court extend the deadline for the Parties to engage in mediation to July 6,
18 2009, or as soon thereafter as the schedules of the Parties, their respective counsel and
19 Mr. LeHocky, would allow. Mr. LeHocky concurred in this stipulation. The Parties filed
20 the stipulation and an accompanying proposed order with the Court, which the Court
21 signed.

22 4. Thereafter, due to the schedules of the Parties, their respective counsel, and
23 Mr. LeHocky, the earliest date on which all parties were available to engage in mediation
24 was August 7, 2009. Because of the length of time between the proposed mediation date of
25 August 7, 2009, and the Court's mediation deadline of July 6, 2009, the Parties stipulated
26 to extending the deadline for mediation until August 7, 2009. Mr. LeHocky concurred in
27 this stipulation. The Parties filed the stipulation and an accompanying proposed order with
28 the Court on June 26, 2009, which the Court signed.

5. On July 6, 2009, Plaintiff's President, Charla Honea, underwent a significant emergency surgical procedure, as a result of which her doctor determined she was not physically able to travel to California for mediation until after September 8, 2009. The Parties stipulated that the mediation would occur on December 7, 2009, the earliest date on which all Parties, their respective counsel, and Mr. LeHocky were available. The Parties filed this stipulation and an accompanying proposed order to the Court, which it signed.

6. Pursuant to the Court's order dated December 10, 2008, the following are the current discovery deadlines and trial dates:

- December 4, 2009: Completion of fact discovery;
- December 17, 2009: Dispositive motions to be heard by this date;
- December 17, 2009: Case management conference;
- January 4, 2010: Disclosure of identities and reports of expert witnesses;
- February 3, 2010: Completion of expert discovery;
- April 20, 2010: Final pretrial conference;
- May 3, 2010: Trial.

7. As a result of the continued mediation date, the current discovery cut-off date now occurs prior to the scheduled mediation. If the Parties do not settle their dispute at mediation, they believe it would be beneficial to allow for additional time to conduct further discovery and to move all corresponding discovery, pretrial and trial deadlines.

THEREFORE, the Parties hereby stipulate as follows:

STIPULATION

All discovery deadlines and trial dates be extended, accordingly:

1. The deadline for completion of fact discovery as set forth in this Court's order dated December 10, 2008, is moved from December 4, 2009 to March 26, 2010.
2. The case management conference as set forth in this Court's order dated December 10, 2008, is moved from December 17, 2009 to April 8, 2010 at

2:00 p.m.

3. The deadline for dispositive motions to be heard as set forth in this Court's order dated December 10, 2008, is moved from December 17, 2009 to April 8, 2010.
4. The deadline for the disclosure of identities and reports of expert witnesses as set forth in this Court's order dated December 10, 2008, is moved from January 4, 2010 to April 26, 2010.
5. The deadline for the completion of expert discovery as set forth in this Court's order dated December 10, 2008, is moved from February 3, 2010 to June 14, 2010.
6. The final pretrial conference as set forth in this Court's order dated December 10, 2008, is moved from April 20, 2010 to June 29, 2010 at a time adherent to the Court's schedule.
7. The trial as set forth in this Court's order dated December 10, 2008, is moved from May 3, 2010 to July 19, 2010 at a time adherent to the Court's schedule.

DATED: October 6, 2009

LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/
Julian J. Pardini
Alan J. Haus
Rowena C. Seto
Attorneys for Defendant Attorneys for
TIMBERWORK, INC.
(erroneously sued as "TIMBERWORK OREGON,
INC."), and EARL BLONDHEIM

1 DATED: October 7, 2009

GORDON & REES, LLP

2
3 By /s/

4 Richard P. Sybert
5 Lindsay Hulley
6 Attorneys for Plaintiff Matsunoki Group
7

8 DATED: October 7, 2009

DONAHUE GALLAGHER WOODS, LLP

9
10 By /s/

11 John C. Kirke
12 Jocelyn Belloni
13 Attorneys for Defendants Don Paul and
14 Ilene-English Paul
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ORDER

Based upon the foregoing stipulation of the Parties, the Court **HEREBY ORDERS** that the following discovery deadlines and trial dates be extended as follows:

1. The deadline for the completion of fact discovery is moved from December 4, 2009 to March 26, 2010.
2. The case management conference is moved from December 17, 2009 to April 8, 2010 at 2:00 p.m.
3. The deadline for dispositive motions to be heard is moved from December 17, 2009 to April 8, 2010.
4. The deadline for the disclosure of identities and reports of expert witnesses is moved from January 4, 2010 to April 26, 2010.
5. The deadline for the completion of expert discovery is moved from February 3, 2010 to June 14, 2010.
6. The final pretrial conference is moved from April 20, 2010 to June 29, 2010.
7. The trial date is moved from May 3, 2010 to July 19, 2010.

IT IS SO ORDERED.

10/13/09

DATED: _____



Honorable Claudia Wilken
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA